

APPEAL, STAY

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10451-RWZ**

Schmitt v. Smith et al
Assigned to: Judge Rya W. Zobel
Case in other court: First Circuit, 06-01778
First Circuit, 06-01789
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/02/2004
Date Terminated: 04/05/2006
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Joseph P. Schmitt

represented by **Joseph P. Schmitt**
M-81137
Massachusetts Treatment Center
30 Administration Road
Bridgewater, MA 02324-3230
PRO SE

V.

Defendant

Jeffrey Smith

represented by **C. Raye Poole**
Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300
Fax: 617-727-7403
Email: CRPoole@doc.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
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Email: PWSilva@doc.state.ma.us
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Defendant

William Grossi

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
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Jody Adams Brenner
(See above for address)
LEAD ATTORNEY
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Philip W. Silva, IV
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ATTORNEY TO BE NOTICED

Defendant

Peter Allen

represented by **C. Raye Poole**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody Adams Brenner
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael T Maloney

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody Adams Brenner
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Faria

represented by **C. Raye Poole**
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LEAD ATTORNEY
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Jody Adams Brenner
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LEAD ATTORNEY
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Philip W. Silva, IV
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ATTORNEY TO BE NOTICED

Defendant

Ernest Therien

represented by **C. Raye Poole**
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LEAD ATTORNEY
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Jody Adams Brenner
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Philip W. Silva, IV
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ATTORNEY TO BE NOTICED


Defendant

**Massachusetts Department of
 Corrections**

















represented by **C. Raye Poole**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody Adams Brenner
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip W. Silva, IV
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/02/2004	 1	MOTION for Leave to Proceed in forma pauperis by Joseph P. Schmitt.

		(Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	<u>2</u>	AFFIDAVIT in Support re <u>1</u> MOTION for Leave to Proceed in forma pauperis. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	<u>3</u>	COMPLAINT against all defendants, filed by Joseph P. Schmitt. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	<u>4</u>	APPENDIX/EXHIBIT re <u>3</u> Complaint by Joseph P. Schmitt. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Jenness, Susan) (Entered: 04/22/2004)
03/08/2004	<u>5</u>	Letter/request (non-motion) from Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/22/2004)
03/26/2004	<u>6</u>	Judge Rya W. Zobel : ORDER entered granting <u>1</u> Motion for Leave to Proceed in forma pauperis. The Clerk shall return the complaint to the undersigned for screening on the merits pursuant to 28 U.S.C. ? 1915(e) and summonses shall NOT issue pending the completion of screening on the merits. (Lanier, Marjorie) (Entered: 03/26/2004)
03/30/2004		Copy of document no. 6 mailed via us mail to plaintiff (Jenness, Susan) (Entered: 03/30/2004)
04/13/2004	<u>7</u>	MOTION for Court to Order Defendants to Produce a True Copy of Civil Action No. SUCV2002-02562(Jenness, Susan) Modified on 4/21/2004 (Johnson, Jay). (Entered: 04/16/2004)
04/15/2004	<u>8</u>	Letter/request (non-motion) from Joseph P. Schmidt regarding address. (Johnson, Jay) (Entered: 04/20/2004)
05/03/2004	<u>9</u>	Letter/request (non-motion) from Pro Se Intake Clerk reporting status on CA 04-10451-RWZ in response to request by plaintiff. (Jenness, Susan) (Entered: 05/03/2004)
05/03/2004		Status letter mailed to plaintiff via us mail 5/3/04 (Jenness, Susan) (Entered: 05/03/2004)
10/01/2004	<u>10</u>	Judge Rya W. Zobel : ORDER entered. Having completed the screening on the merits of plaintiff's complaint pursuant to Section 1915(e)(2), the Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendants as directed by the plaintiff with all costs of service to be advanced by the United States.(Weissman, Linn) (Entered: 10/01/2004)
10/01/2004		Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	<u>11</u>	Judge Rya W. Zobel : ORDER entered denying <u>7</u> Motion for Order for production of certain documents without prejudice. (Weissman, Linn) (Entered: 10/01/2004)















10/01/2004		Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/25/2004	 12	US Marshal Process Receipt and Return for Civi Rights Action. Michael Maloney served Delivered on 10/15/04 (Johnson, Jay) (Entered: 10/26/2004)
10/25/2004	 13	US Marshal Process Receipt and Return for Civil Rights Action. Mass. Dept of Corrections served Delivered on 10/20/04 (Johnson, Jay) (Entered: 10/26/2004)
10/26/2004	 14	MOTION for Court Order for Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al by Joseph P. Schmitt.(Johnson, Jay) (Entered: 10/27/2004)
11/09/2004	 15	MOTION to Compel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	 16	US Marshal Process Receipt and Return for Civil Rights Action. Peter Allen served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	 17	US Marshal Process Receipt and Return for Civil Rights Action. William Grossi served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	 18	US Marshal Process Receipt and Return for Civil Rights Action. Jeffrey Smith served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	 19	US Marshal Process Receipt and Return for Civil Rights Action. Ernest Therien served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	 20	US Marshal Process Receipt and Return for Civil Rights Action. William Faria served Delivered on 11/4/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	 21	MOTION for Extension of Time to 12/20/04 to File Answer re <u>3</u> Complaint by Massachusetts Department of Corrections.(Silva, Philip) (Entered: 11/10/2004)
11/10/2004	 22	MOTION for Leave to File <i>Exemption from Local Rule 7.1</i> by Massachusetts Department of Corrections.(Silva, Philip) (Entered: 11/10/2004)
11/15/2004		Judge Rya W. Zobel : electronic ORDER entered granting <u>21</u> Motion for Extension of Time to Answer Massachusetts Department of Corrections. (Urso, Lisa) (Entered: 11/15/2004)
11/16/2004		Judge Rya W. Zobel : endorsed ORDER entered granting exemption from Local Rule 7.1 requirement (Urso, Lisa) (Entered: 11/17/2004)
11/16/2004	 23	Opposition re <u>21</u> MOTION for Extension of Time to 12/20/04 to File Answer re <u>3</u> Complaint filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/17/2004)
12/13/2004	 24	Letter/request (non-motion) from Joseph P. Schmitt regarding request for













		ruling on motion to compel. (Johnson, Jay) (Entered: 12/14/2004)
12/16/2004	<u>25</u>	ANSWER to Complaint with JURY DEMAND by Peter Allen, William Faria, William Grossi, Massachusetts Department of Corrections, Jeffrey Smith, Ernest Therien.(Silva, Philip) (Entered: 12/16/2004)
12/16/2004	<u>26</u>	Judge Rya W. Zobel : order ORDER entered reserving ruling on <u>14</u> Motion for Order, reserving ruling on <u>15</u> Motion to Compel. Defendants have until 12/29/04 to file any oppositions. (Urso, Lisa) (Entered: 12/17/2004)
12/21/2004	<u>27</u>	NOTICE of Scheduling Conference Scheduling Conference set for 1/25/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 12/21/2004)
12/23/2004	<u>28</u>	Opposition re <u>15</u> MOTION to Compel <i>Department of Correction to Provide Address for Defendant Maloney</i> filed by Massachusetts Department of Corrections. (Silva, Philip) (Entered: 12/23/2004)
12/23/2004	<u>29</u>	Opposition re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit Ex. A - Docket Sheet)(Silva, Philip) (Entered: 12/23/2004)
12/28/2004	<u>31</u>	MOTION to Appoint Counsel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/29/2004	<u>30</u>	MOTION for Writ of Habeas Corpus ad testificandum by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/30/2004	<u>32</u>	EMERGENCY REPLY to Response to Motion re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
12/30/2004	<u>33</u>	EMERGENCY REPLY to Response to Motion re <u>15</u> MOTION to Compel filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
01/05/2005	<u>3</u>	Notice of correction to docket made by Court staff. Correction: #28 Opposition to Motion to Compel corrected because: Opposition addresses the wrong motion, and is a duplicate of #29. Filer shall be required to re-file the document. (Johnson, Jay) (Entered: 01/05/2005)
01/05/2005	<u>34</u>	Opposition to Plaintiff's Motion to Compel by Massachusetts Department of Corrections <i>Refiled Opposition</i> (Silva, Philip) Modified on 3/3/2005 (Johnson, Jay). (Entered: 01/05/2005)
01/12/2005	<u>3</u>	Judge Rya W. Zobel : endorsedORDER entered denying <u>14</u> Motion for Order (Urso, Lisa) (Entered: 01/12/2005)
01/19/2005	<u>35</u>	MOTION for Recusal by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/19/2005)

		01/21/2005)
01/19/2005	<u>36</u>	MOTION for Reconsideration re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al, Order on Motion for Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/21/2005)
01/21/2005	<u>37</u>	MOTION for Memorandum of Decision Regarding Denial of Plaintiff's Motion for Order filed on 1/12/05 by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/25/2005)
01/25/2005	<u>38</u>	electronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 1/25/2005; defendant to file motion for summary judgment and or to dismiss; 30 days after for opposition; (Urso, Lisa) (Entered: 01/27/2005)
02/01/2005	<u>38</u>	MOTION for Declaratory Judgment by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	<u>39</u>	MOTION to Withdraw <u>35</u> MOTION for Recusal by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	<u>40</u>	MEMORANDUM OF LAW by Joseph P. Schmitt to <u>38</u> MOTION for Declaratory Judgment. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	<u>41</u>	AFFIDAVIT of Joseph Peter Schmitt re Scheduling Conference by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/04/2005	<u>44</u>	STATE COURT Record. (Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	<u>42</u>	MOTION for Sanctions by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	<u>43</u>	Opposition re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Johnson, Jay) (Entered: 02/09/2005)
02/25/2005	<u>45</u>	MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	<u>46</u>	Cross MEMORANDUM in Support re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit A - 103 CMR 481 (12/8/00)# <u>2</u> Exhibit B 103 CMR 481 (4/26/02)# <u>3</u> Exhibit C 3/4/04 - letter# <u>4</u> Affidavit Robert Murphy# <u>5</u> Affidavit John Luongo# <u>6</u> Affidavit Certified Administrative Record)(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	<u>47</u>	Opposition re <u>42</u> MOTION for Sanctions filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts
















		Department of Corrections. (Silva, Philip) (Entered: 02/25/2005)
03/22/2005	<u>48</u>	Opposition re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	<u>49</u>	Letter/request (non-motion) from Joseph P. Schmitt to Circuit executive regarding response to motions. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	<u>50</u>	Letter/request (non-motion) from Joseph P. Schmitt requesting rulings on pending motions. (Johnson, Jay) (Entered: 03/23/2005)
03/30/2005	<u>51</u>	Judge Rya W. Zobel : OrderORDER entered denying <u>30</u> Motion for Writ of Habeas Corpus ad testificandum, granting in part and denying in part <u>31</u> Motion to Appoint Counsel, finding as moot <u>35</u> Motion for Recusal, denying <u>36</u> Motion for Reconsideration, denying <u>37</u> Motion for Order, reserving ruling on <u>38</u> Motion for Declaratory Judgment, granting <u>39</u> Motion to Withdraw, denying <u>42</u> Motion for Sanctions, reserving ruling on <u>45</u> Motion to Dismiss, denying <u>15</u> Motion to Compel (Urso, Lisa) (Entered: 03/31/2005)
04/05/2005	<u>52</u>	EX-PARTE and EMERGENCY MOTION for Authorization of Funds by Joseph P. Schmitt.(Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	<u>53</u>	EMERGENCY MOTION to Stay by Joseph P. Schmitt.(Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	<u>54</u>	Letter/request (non-motion) from Joseph Peter Schmitt requesting copies. (Johnson, Jay) (Entered: 04/06/2005)
04/21/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>53</u> Motion to Stay. (Urso, Lisa) (Entered: 04/22/2005)
04/21/2005		Judge Rya W. Zobel : endorsedORDER entered denying <u>52</u> Motion for Disbursement of Funds. This court has no authority to order the State Treasurer to provide funds for this purpose. (Urso, Lisa) (Entered: 04/22/2005)
04/25/2005	<u>55</u>	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/27/2005)
04/28/2005	<u>56</u>	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/29/2005)
06/22/2005	<u>57</u>	Emergency MOTION for Extension of Plaintiff's Emergency Motion for Stay of Action (<u>53</u>) by Joseph P. Schmitt.(Johnson, Jay) (Entered: 06/23/2005)
07/15/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>57</u> Motion for Extension of Time for stay. The stay is extended to 8/31/05. (Urso, Lisa) (Entered: 07/15/2005)
09/21/2005	<u>58</u>	Letter/request for ruling on defendants motion #45 from Joseph P. Schmitt. (Johnson, Jay) (Entered: 09/22/2005)



12/30/2005	<u>59</u>	NOTICE of Appearance by C. Raye Poole on behalf of all defendants (Poole, C.) (Entered: 12/30/2005)
01/10/2006	<u>60</u>	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Status Conference held on 1/10/2006. Jury or Bency Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. Pretrial Conference set for 3/22/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (to be tried with 04cv10717) (Urso, Lisa) (Entered: 01/10/2006)
01/24/2006	<u>60</u>	Supplement to MOTION for Summary Judgment by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # 1 Exhibit A-C)(Poole, C.) Modified on 1/25/2006 (Johnson, Jay). (Entered: 01/24/2006)
01/24/2006	<u>61</u>	MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Poole, C.) (Entered: 01/24/2006)
01/25/2006	<u>60</u>	Documents terminated: 60 Supplemental MOTION for Summary Judgment filed by William Grossi,, Peter Allen,, Ernest Therien,, William Faria,, Massachusetts Department of Corrections,, Jeffrey Smith,, Michael T Maloney,, (Johnson, Jay) (Entered: 01/25/2006)
02/01/2006	<u>62</u>	MOTION for Court Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	<u>63</u>	MOTION for Court Order of production of mail monitor records from defendants by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	<u>64</u>	EMERGENCY MOTION to Stay defendant's pending motions until the court has ruled on plaintiff's outstanding motions... by Joseph P. Schmitt. (Johnson, Jay) Modified on 2/2/2006 (Johnson, Jay). (Entered: 02/02/2006)
02/01/2006	<u>65</u>	Opposition re <u>61</u> MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	<u>66</u>	Opposition re <u>60</u> Supplemental MOTION for Summary Judgment filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/28/2006	<u>67</u>	Judge Rya W. Zobel : endorsedORDER entered denying <u>62</u> Motion for Order, denying <u>63</u> Motion for Order, denying <u>64</u> Motion to Stay as moot. (Urso, Lisa) (Entered: 03/01/2006)
03/03/2006	<u>67</u>	NOTICE of Appearance by Jody T. Adams on behalf of all defendants (Adams, Jody) (Entered: 03/03/2006)

03/22/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Final Pretrial Conference held on 3/22/2006. Jury trial 4/3/06; 1-2 days; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 03/23/2006)
03/31/2006		Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Jury Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel.(Urso, Lisa) (Entered: 03/31/2006)
04/03/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : ;Jury Trial Day one held on 4/3/2006; 8 jurors selected & sworn; opening by plaintiff then defendant; plaintiff's witness #1 Carter Thomas; direct; cross; redirect; witness #2 Jeffrey Smith; witness #3 Patrick Mulvey; witness #4 Stephen Kennedy; direct; cross; redirect; witness #5 Paul Gordon; witness #6 Peter Allen; plaintiff's rests; defendant's witness #1 Patrick Mulvey; direct; cross; redirect; recross; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/03/2006)
04/04/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day 2 held on 4/4/2006; defendant's witness # 2 Jeffrey Smith; cross; redirect; recross; witness #3 Ernest Therien; cross; witness #4 William Faria; cross; witness #5 Peter Allen; direct; defendant's rest' no rebuttal; Jury charge; Jury verdict for the plaintiff in the amount of \$302.00. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/04/2006)
04/04/2006		Exhibit and witness List. (Urso, Lisa) (Entered: 04/05/2006)
04/04/2006		JURY VERDICT in favor of plaintiff against defendants. (Urso, Lisa) (Entered: 04/05/2006)
04/05/2006		Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of plaintiff against defendants in the amount of \$101.00(Urso, Lisa) (Entered: 04/05/2006)
04/12/2006		MOTION for court Order by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006		MOTION for Attorney Fees by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006		MOTION to recover expenses by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006		MOTION for Reconsideration and/or notice of appeal re: directed verdict by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006		MOTION for Order against defendants by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006		MOTION for transcripts by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006		NOTICE OF APPEAL by Joseph P. Schmitt. NOTICE TO COUNSEL:

		A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/2/2006. (rec'd for filing 5/9/06)(Johnson, Jay) (Entered: 05/10/2006)
04/13/2006		DOCKET SHEET sent to Joseph P Schmitt. (Sonnenberg, Elizabeth) (Entered: 04/13/2006)
04/21/2006	 78	MOTION for Extension of Time to May 12, 2006 to File Response/Reply as to 72 MOTION for Order by Jeffrey Smith, Peter Allen.(Poole, C.) (Entered: 04/21/2006)
04/21/2006	 79	Opposition re 73 MOTION for Attorney Fees, 74 MOTION to recover expenses, 75 MOTION for Reconsideration filed by Jeffrey Smith, Peter Allen. (Attachments: # 1 Exhibit A and B)(Poole, C.) (Entered: 04/21/2006)
04/21/2006	 80	Letter/request (non-motion) from Joseph Schmitt requesting names and addresses of all jurors. (Johnson, Jay) (Entered: 04/25/2006)
05/01/2006	 81	REPLY to Response to Motion re 73 MOTION for Attorney Fees, 74 MOTION to recover expenses, 75 MOTION for Reconsideration filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 05/02/2006)
05/01/2006		Judge Rya W. Zobel : endorsed ORDER entered denying 73 Motion for Attorney Fees, denying 74 Motion to recover expenses, granting 78 Motion for Extension of Time to File Response/Reply re 72 MOTION for Order Responses due by 5/12/2006 (Urso, Lisa) (Entered: 05/02/2006)
05/05/2006	 82	MOTION for Reconsideration by Joseph P. Schmitt.(Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	 83	NOTICE OF APPEAL as to Order on Motion for Attorney Fees,, Order on Motion for Miscellaneous Relief,, Order on Motion for Extension of Time to File Response/Reply, by Joseph P. Schmitt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/25/2006. (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006		Judge Rya W. Zobel : Electronic ORDER entered denying 76 Motion for Order. " Denied as premature" (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006		Judge Rya W. Zobel : Electronic ORDER entered denying 77 Motion for transcripts (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006		Judge Rya W. Zobel : Electronic ORDER entered denying 75 Motion for Reconsideration. "Denied as plaintiff agreed to the dismissal of these defendants" (Johnson, Jay) (Entered: 05/05/2006)
05/09/2006	 84	Certified and Transmitted Record on Appeal to US Court of Appeals re

		83 Notice of Appeal, (Attachments: # 1)(Ramos, Jeanette) (Entered: 05/09/2006)
05/10/2006	<u>86</u>	Opposition re 72 MOTION for Order <i>and Motion for Sanctions</i> filed by Jeffrey Smith, Peter Allen. (Attachments: # 1 Exhibit A and B)(Poole, C.) (Entered: 05/10/2006)
05/10/2006	<u>87</u>	Judge Rya W. Zobel : endorsedORDER entered denying 82 Motion for Reconsideration. Upon reconsideration of plaintiffs multiple motions for fees and expenses, they are again denied. (Urso, Lisa) (Entered: 05/11/2006)
05/12/2006	<u>87</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re 85 Notice of Appeal, (Ramos, Jeanette) (Entered: 05/12/2006)
05/26/2006	<u>88</u>	Letter/request (non-motion) from Joseph Schmitt requesting copies of cases. (Johnson, Jay) (Entered: 05/30/2006)
05/26/2006	<u>89</u>	Letter/request (non-motion) from Joseph Schmitt requesting copies of exhibits. (Johnson, Jay) (Entered: 05/30/2006)
05/26/2006	<u>90</u>	REPLY to Response to Motion re 72 MOTION for Order. & (motion for sanctions) filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 05/30/2006)
05/30/2006	<u>90</u>	The court does not PROVIDE copies requested in pleadings #88 and #89. (Johnson, Jay) (Entered: 05/30/2006)
07/20/2006	<u>91</u>	Judge Rya W. Zobel : ORDER entered. MEMORANDUM of Decision entered.(Urso, Lisa) (Entered: 07/20/2006)
07/26/2006	<u>92</u>	Letter/request (non-motion) from Plaintiff requesting copies. (Johnson, Jay) (Entered: 07/28/2006)
10/13/2006	<u>93</u>	MOTION for Reconsideration re 72 MOTION for Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 10/16/2006)
10/16/2006	<u>94</u>	Opposition re 93 MOTION for Reconsideration re 72 MOTION for Order <i>and Renewed Motion for Sanctions</i> filed by all defendants. (Poole, C.) (Entered: 10/16/2006)
10/18/2006	<u>95</u>	REPLY to Response to Motion re 76 MOTION for Order and Motion for Sanctions filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 10/19/2006)
11/13/2006	<u>96</u>	MOTION to Vacate <i>Schmitt's Indigency Status</i> by all defendants. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3 and 4)(Poole, C.) (Entered: 11/13/2006)
11/27/2006	<u>97</u>	Opposition re 96 MOTION to Vacate <i>Schmitt's Indigency Status</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/28/2006)
11/27/2006	<u>98</u>	MEMORANDUM in Opposition re 96 MOTION to Vacate <i>Schmitt's Indigency Status</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/28/2006)

02/21/2007	 <u>99</u>	MANDATE of USCA as to <u>85</u> Notice of Appeal, filed by Joseph P. Schmitt, <u>83</u> Notice of Appeal, filed by Joseph P. Schmitt. Pursuant to our Local Rule 27.0(c), the judgments are AFFIRMED. (Mandate issued in the USCA 2/21/2007). (Ramos, Jeanette) (Entered: 02/21/2007)
02/21/2007		Appeal Record Returned: <u>85</u> Notice of Appeal, <u>83</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 02/21/2007)
02/28/2007	 <u>100</u>	MOTION to rule on #72 by Joseph P. Schmitt.(Johnson, Jay) (Entered: 03/01/2007)
09/04/2007	 <u>101</u>	MOTION for ruling on motions by Joseph P. Schmitt.(Johnson, Jay) (Entered: 09/05/2007)
09/10/2007	 <u>102</u>	RESPONSE to Motion re <u>101</u> MOTION for ruling <i>and Renewed Motion for Sanctions</i> filed by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Poole, C.) (Entered: 09/10/2007)
10/10/2007	 <u>103</u>	Judge Rya W. Zobel : ORDER entered granting <u>101</u> Motion to rule on motions (Urso, Lisa) (Entered: 10/10/2007)
10/15/2007	 <u>104</u>	MOTION for Clarification re <u>103</u> Order on Motion for Miscellaneous Relief by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Poole, C.) (Entered: 10/15/2007)
10/15/2007		Judge Rya W. Zobel : endorsedORDER entered granting <u>104</u> Motion for Clarification and so ordered. (Urso, Lisa) (Entered: 10/16/2007)
10/30/2007	 <u>105</u>	Letter/request (non-motion) from C. Ray Poole to John S. Day. (Johnson, Jay) (Entered: 10/30/2007)
11/06/2007	 <u>106</u>	Letter/request (non-motion) from Johns S. Day to Ms Poole regarding Schmitt Letters. (Johnson, Jay) (Entered: 11/06/2007)
11/14/2007	 <u>107</u>	Letter/request (non-motion) from Plaintiff requesting documents. (Johnson, Jay) (Entered: 11/15/2007)
11/23/2007	 <u>108</u>	Response to opposition to plaintiff's motions #103 and 104 in 04-10717 regarding return of stories by Joseph P. Schmitt. (Attachments: # <u>1</u> Exhibit)(Johnson, Jay) (Entered: 11/26/2007)
01/10/2008	 <u>110</u>	MOTION to Vacate Plaintiff's Indigency Status by Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit)(Johnson, Jay) (Entered: 01/29/2008)
01/29/2008	 <u>111</u>	Opposition re <u>110</u> MOTION to Vacate filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 01/29/2008)
02/13/2008		Motions terminated: <u>104</u> MOTION for Clarification re <u>103</u> Order on Motion for Miscellaneous Relief filed by Jeffrey Smith, William Grossi, William Faria, Michael T Maloney, Massachusetts Department of Corrections, Ernest Therien, Peter Allen. Decided on 10/15/07 (Urso, Lisa) (Entered: 02/13/2008)

02/13/2008	 112	Judge Rya W. Zobel: ORDER entered denying <u>109</u> Motion for Recusal; granting <u>110</u> Motion to Vacate (Urso, Lisa) (Entered: 02/14/2008)
02/27/2008	 113	NOTICE OF APPEAL as to <u>112</u> Order on Motion for Recusal, Order on Motion to Vacate by Joseph P. Schmitt NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/18/2008. (Johnson, Jay) (Entered: 02/28/2008)